

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

YVETTE “WILL RAP 4 WEED”
GBLAZEY, on behalf of herself and
all others similarly situated,

Plaintiffs,

V.

CITY OF DALLAS, TEXAS,

Defendant.

§ § § § § § § §

CIV. CASE NO. _____

EXHIBIT A

CITY OF DALLAS, TEXAS
CODE OF ORDINANCES

SEC. 31-35. SOLICITATION BY COERCION; SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES; SOLICITATION AFTER SUNSET; SOLICITATION-FREE ZONES.

(a) In this section:

(1) **AUTOMATED TELLER MACHINE** means a machine, other than a telephone:

(A) that is capable of being operated by a customer of a financial institution;

(B) by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

(C) the use of which may or may not involve personnel of a financial institution.

(2) CENTRAL BUSINESS DISTRICT SOLICITATION-FREE ZONE means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.

(3) **COERCION** means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) imminent bodily injury; or

(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(B) to persist in a solicitation after the person solicited has given a negative response;

(C) to block, either individually or as part of a group of persons, the passage of a solicited person; or

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

(4) DEEP ELLUM SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

| STREET | EXTENT |
|-------------------------|--|
| Good-Latimer Expressway | Elm Street to Canton Street |
| Canton Street | Good-Latimer Expressway to Hall Street |
| Hall Street | Canton Street to Elm Street |
| Elm Street | Hall Street to Good-Latimer Expressway |

(5) EXTERIOR PUBLIC PAY TELEPHONE means any coin or credit card reader telephone that is:

(A) installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

(B) accessible and available for use by members of the general public.

(6) FIXED FOOD ESTABLISHMENT means a food establishment, as defined in Section [17-1.5](#) of this code, that is operated from a fixed facility.

(7) PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(8) SELF-SERVICE CAR WASH means a structure:

(A) at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

(B) that is accessible and available for use by members of the general public.

(9) SELF-SERVICE FUEL PUMP means a fuel pump:

(A) from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

(B) that is accessible and available for use by members of the general public.

(10) SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(11) SUNRISE means the time of day published on the weather page of the *Dallas Morning News* as the time for sunrise on a particular day in the city.

(12) SUNSET means the time of day published on the weather page of the *Dallas Morning News* as the time for sunset on a particular day in the city.

(13) UPTOWN SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

| STREET | EXTENT |
|------------------------|--|
| Akard Street | Woodall Rogers Freeway to Cedar Springs Road |
| Cedar Springs Road | Akard Street to McKinnon Street |
| McKinnon Street | Cedar Springs Road to the Katy Trail |
| Katy Trail | McKinnon Street to Cambrick Street |
| Cambrick Street | Katy Trail to Central Expressway |
| Central Expressway | Cambrick Street to Woodall Rogers Freeway |
| Woodall Rogers Freeway | Central Expressway to Akard Street |

(14) VICTORY SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

| STREET | EXTENT |
|-----------------------|---|
| Harry Hines Boulevard | Dallas North Tollway to N. Field Street |
| N. Field Street | Harry Hines Boulevard to Caroline Street |
| Caroline Street | N. Field Street to Woodall Rogers Freeway |

| | |
|------------------------|--|
| Woodall Rogers Freeway | Caroline Street to Stemmons Freeway |
| Stemmons Freeway | Woodall Rogers Freeway to the Dallas North Tollway |
| Dallas North Tollway | Stemmons Freeway to Harry Hines Boulevard |

(b) A person commits an offense if he conducts a solicitation by coercion.

(c) A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time between sunset and sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:

(1) consisted exclusively of passive, nonverbal acts; or

(2) was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(d) Solicitation-free zones.

(1) A person commits an offense if he conducts a solicitation at any time in any outdoor area located within any of the following solicitation-free zones:

(A) Central Business District solicitation-free zone.

(B) Deep Ellum solicitation-free zone.

(C) Uptown solicitation-free zone.

(D) Victory solicitation-free zone.

(2) It is a defense to prosecution under this subsection if the solicitation was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(e) A person commits an offense if he conducts a solicitation to any person placing or preparing to place money in a parking meter.

(f) A person commits an offense if he conducts any solicitation within 25 feet of:

(1) an automated teller machine;

(2) an entrance or exit of a bank, credit union, or other similar financial institution;

(3) an exterior public pay telephone;

(4) a self-service car wash;

(5) a self-service fuel pump;

(6) a public transportation stop; or

(7) an outdoor dining area of a fixed food establishment.

(g) For purposes of Subsection (f), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

- (1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;
- (2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;
- (3) the nearest part of an exterior public pay telephone;
- (4) the nearest part of the structure of a self- service car wash;
- (5) the nearest part of a self-service fuel pump;
- (6) the nearest point of any sign or marking designating an area as a public transportation stop; or
- (7) the nearest part of any table in an outdoor dining area or, if the outdoor dining area is contained within an enclosure, the nearest part of that enclosure.

(h) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), (c), (d), (e), or (f), or who witnesses a violation of Subsection (c), (d), (e), or (f), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(i) An offense under this section is punishable by a fine not to exceed \$500. (Ord. Nos. 21030; 25213; 26738; 28075)